

Application No. 09/921,844
Request dated March 26, 2004
Reply to Office Action of January 7, 2004

REMARKS

In the Office Action, the Examiner withdrew claims 131, 133, 135, 137-145, 205, 206, 213-215, and 272-276 and made the entire action final. Applicant respectfully requests the Examiner to rejoin claims 131, 133, 135, 137-145, 205, 206, 213-215, and 272-276, and to withdraw finality of the last action.

I. Request for rejoinder of withdrawn claims

Applicant respectfully requests the Examiner to rejoin claims 131, 133, 135, 137-145, 205, 206, 213-215, and 272-276. The Restriction Requirement dated October 28, 2002 ("the Restriction Requirement") restricted the application into six patentably distinct species. Applicant elected Species 3, Fig. 12, directed to a surface projection having a "back cut," or an included angle greater than 90 degrees. For the Examiner's convenience, Applicant has attached hereto as Exhibit A a copy of Fig. 13 showing an included angle greater than 90 degrees hand circled and labeled. Applicant amended independent claim 131 to recite that the first and second surface projections each have "at least one facet with the perimeter of said at least one facet having at least a first and a second portion arranged to form an included angle greater than 90 degrees between said first and second portions of the perimeter." Accordingly, Applicant submits that claim 131 includes the main feature that caused the Examiner to restrict the subject matter illustrated in former Fig. 12.

The Examiner noted that in contrast to the subject matter of claim 131, the elected species of Figs. 12-15 showed left and right facets that were identical. (Office Action, page 2, second paragraph). An exemplary embodiment of claim 131 is illustrated in Fig. 12B, which was added in response to the Examiner's request in the Office Action dated April 23, 2003 ("the April Office Action"). In particular, Fig. 12B shows a right facet having a longer length than a left facet, the left facet having a steeper slope than the right facet. (See Exhibit A, Fig. 12B, annotated for the Examiner's convenience). Although Fig. 12B may look similar to Fig. 12A, each figure is different because the facet configuration is oriented in a different direction. In Fig.

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12A, the facet having a longer length (facet 324) is oriented toward leading end 302. In Fig. 12B, the facet having the longer length is oriented toward side 310'.

Fig. 12B was not present in the drawings when the Examiner made his restriction. Although Fig. 12B was added subsequent to the Restriction Requirement, Applicant submits that the subject matter illustrated in Fig. 12B belongs with Species 3 because both Figs. 12A and 12B illustrate surface projections having an included angle greater than 90 degrees. Accordingly, Applicant respectfully requests the Examiner to rejoin claims 131, 133, 135, 137-145, 205, 206, 213-215, and 272-276.

Alternatively, if the Examiner believes that the subject matter illustrated in Fig. 12B represents another patentably distinct species, Applicant respectfully requests the Examiner to so state on the record.

II. Request for withdrawal of finality

Applicant respectfully submits that the Examiner's rejection was made final prematurely. The MPEP states that a rejection may properly be made final on a second action "except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c)." (MPEP § 706.07(a), page 700-73, col. 1 (February 2003)).

In Applicant's reply of October 8, 2003, Applicant amended independent claim 219 and overcame the Examiner's rejection of that claim and its associated dependent claims under 35 U.S.C. 112, second paragraph in the April Office Action. In the present Office Action, the Examiner rejected claim 247, dependent from claim 219, under 35 U.S.C. § 112, second paragraph under different grounds. In doing so, Applicant submits that the Examiner presented a new ground of rejection not necessitated by Applicant's amendment of claim 219. In particular, the portion of claim 247 that the Examiner alleges as being indefinite is completely unrelated to any rejection made in the April Office Action. Accordingly, Applicant respectfully requests the Examiner to withdraw finality of the present Office Action pursuant to MPEP § 706.07(d).


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To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1066.

Respectfully submitted,

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Dated: March 26, 2004

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Exhibit A

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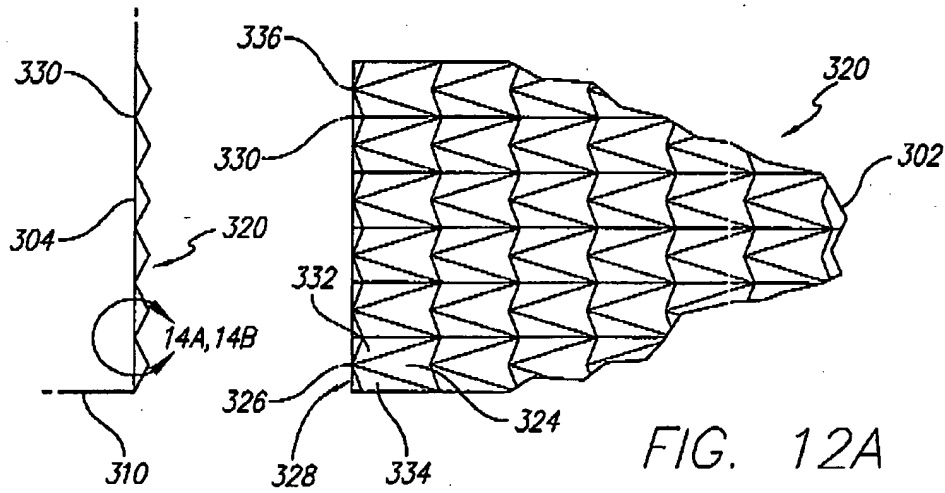


FIG. 14

